GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4611
ANSWERED ON:18.04.2001
ESTABLISHMENT OF INTERNATIONAL CRIMINAL COURT
PUTTASWAMY GOWDA;SUSHIL KUMAR SAMBHAJIRAO SHINDE

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the United Nations General Assembly has proposed the setting up of International Criminal Court (ICC);

(b) if so, the details thereof;

(c) whether India is one of the Countries which has rejected this proposal; and

(d) if so, the reasons therefor?

Answer

MINISTER OF STATE FOR EXTERNAL AFFAIRS SHRI U.V. KRISHNAM RAJU

(a) & b) The UN General Assembly in its resolution 51/207 of 17 December 1996, decided to hold a Diplomatic Conference of Plenipotentiaries in 1998 with a view to finalising and adopting a Convention on the Establishment of an International Criminal Court. In pursuance of this decision and following deliberations held in Rome from June 15 to July 17, 1998, a Statute was adopted by the Conference. So far nearly 140 countries have signed the Statute, while 29 countries had ratified it, as on March 15, 2001.60 ratifications are necessary for the Court to the established.

(c) & d) India had abstained in the voting on the Statute of the International Criminal Court during the Conference of Plenipotentiaries in Rome in July 1998. India has not signed the Statute of the Court as there are several deficiencies in the Statute, including that it brings under the purview of the Court several crimes which are subject to national jurisdiction, and makes the primacy of national jurisdiction subject to the satisfaction of the Court; it does not include terrorism as a crime against humanity. It gives special and discriminatory powers to the UN Security Council to refer to , or block consideration by, the Court, of cases.